

Planning Commission Hearing  
Minutes  
March 8, 2010

PC MEMBERS

Meta Nash  
Alderman Russell  
Billy Shreve  
Josh Bokee  
Gary Brooks  
Steve Stoyke

STAFF PRESENT

Gabrielle Dunn, Division Manager of Current Planning  
Nick Colonna, Division Manager of Comprehensive Planning  
Jeff Love, City Planner  
Pam Reppert, City Planner  
Steve Barney, City Planner  
Zack Kershner, Deputy Director for Engineering  
Devon Hahn, Traffic Engineer  
Scott Waxter, Assistant City Attorney  
Carreanne Eyler, Administrative Assistant

I. ANNOUNCEMENTS:

II. APPROVAL OF MINUTES:

Approval of the February 22, 2010 Planning Commission Minutes as amended:

MOTION: Commissioner Bokee.

SECOND: Commissioner Brooks.

VOTE: 5-0.

Approval of the February 16, 2010 Workshop Minutes as amended:

MOTION: Commissioner Brooks.

SECOND: Commissioner Bokee.

VOTE: 5-0.

Approval of the February 16, 2010 (Continuation) Workshop Minutes as amended:

MOTION: Commissioner Brooks.

SECOND: Commissioner Bokee.

VOTE: 5-0.

Approval of the March 5, 2010 Pre-Planning Commission Minutes as amended:

MOTION: Commissioner Brooks.

SECOND: Commissioner Stoyke.

VOTE: 5-0. (Commissioner Bokee abstained)

### III. PUBLIC HEARING-SWEARING IN:

"Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth." If so, answer "I do".

### IV. PUBLIC HEARING-CONSENT ITEMS:

(All matters included under the Consent Agenda are considered to be routine by the Planning Commission. They will be enacted by one motion in the form listed below, without separate discussion of each item, unless any person present - Planning Commissioner, Planning Staff or citizen -- requests an item or items to be removed from the Consent Agenda. Any item removed from the Consent Agenda will be considered separately at the end of the Consent Agenda. If you would like any of the items below considered separately, please say so when the Planning Commission Chairman announces the Consent Agenda.)

### V. MISCELLANEOUS:

#### A. East Frederick Rising

#### INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Colonna stated that the purpose of this presentation is to update the Planning Commission on the status of the East Frederick Small Area Plan. The East Frederick planning area is approximately 1,800 acres consisting of farms, vacant lots, strip development, and industrial uses. This area is bounded by 14th Street on the north, Interstate 70 to the south, Frederick Airport on the east, and Carroll Street on the west.

#### INITIAL PLANNING STAFF RECOMMENDATION:

Staff is currently developing a schedule of tasks for this endeavor. This planning process will follow a sequence of phases similar to the Golden Mile Small Area Plan, as outlined in the Small Area Plan Guidebook. The East Frederick planning process

will be a community-based planning approach involving property owners, businesses, residents, and local government.

Staff anticipates that the East Frederick process outline will be completed by Spring 2010 for Planning Commission review, and an existing conditions report will be available shortly thereafter.

#### PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Nash stated that this part of town has some unique use opportunities. She asked that when Mr. Colonna mentioned formed based zoning, was there any discussion on how you can have a template for the traditional look and still retain that flexibility of use as a spot in town for that type of use.

Mr. Colonna replied that there was not any specific discussion in terms of how that technique would work but it has been noted. There is a collective mix of historic structures, single family homes, and different types of residential, light industrial and small business that really has been a steady economic base. The challenge is how to incorporate that would be develop those businesses and keep what is appropriate there within a certain design platform.

Commissioner Bokee asked how much of the work thus far incorporates outreach to the existing residential neighborhoods that are living there.

Mr. Colonna stated that not much outreach had occurred yet. He added that the process so far has been open to the residents and well publicized and more outreach clearly needs to be done and that is part of the process.

Commissioner Bokee asked that since this was generated by an independent group, where East Frederick Rising falls into all of this now.

Mr. Colonna stated that the board meets regularly and will have further discussion on this. One of the issues is the group itself has only so many people that could volunteer so much time. He added that the City has been on the consulting fringe in terms of helping and getting information and it has hit the level where there is no money coming in at this point and we are working on trying to get grants. Mr. Colonna added that at this point in order to keeps this moving forward we have the talents and mechanisms to move it further. The main challenge is how logistically do we do this and more discussion will be involved.

#### PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

The City was applicant and Mr. Colonna presented a power point presentation as part of the introduction.

#### PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

There was no questioning of the petitioner/applicant from the Planning Commission.

#### PUBLIC COMMENT:

Krista McGowan, Miles & Stockbridge, who is on the board of East Frederick Rising stated the group does consist of stakeholders, property owners and others who see a real opportunity on the east side of Frederick to re-develop and develop this area. She agrees with the area that has been designated for the small area plan. Ms. McGowan stated that they do have other goals and they plan on partnering with the City on pursuing some funding opportunities to get some projects going.

#### PETITIONER REBUTTAL:

There was not petitioner rebuttal.

#### PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

There was no discussion or questions for staff from the Planning Commission.

#### RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatements/revisions recommendations from planning staff.

#### PLANNING COMMISSION ACTION:

This was an informational item so no vote was taken.

#### VI. OLD BUSINESS:

B. PC09-25FSI, Final Site Plan, Clemson Corner

#### INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Love entered the entire staff report into the record. He stated that the Applicant is requesting approval for revisions to the previously approved architectural elevations for the proposed shopping center located north of MD 26 and west of Wormans Mill Road.

#### INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the revision to the architectural elevations for PC09-25FSI with the following conditions:

To be met in less than 60 days:

1. Provide page number SD-2B on the revised elevation.

#### PLANNING COMMISSION QUESTIONING OF STAFF:

There was not questioning of staff from the Planning Commission.

#### PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

Mr. Jim Castillo concurred with the staff report.

#### PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

Alderman Russell questioned if there was any plan to incorporate recycling bins into this plan.

Mr. Castillo replied that the desire for recycling bins had not been expressed but might be an opportunity.

#### PUBLIC COMMENT:

There was no public comment.

#### PETITIONER REBUTTAL:

There was no petitioner rebuttal.

#### PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

There were no discussions or questions for staff from the Planning Commission.

#### RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatements/revisions recommendations from Planning Staff.

#### PLANNING COMMISSION ACTION:

MOTION: Commissioner Bokee made a motion to approve revised architectural elevations for PC09-25FSI with the condition to be met in less than 60 days as read into the record by staff.

SECOND: Commissioner Stoyke.

VOTE: 5-0. (Commissioner Brooks recued himself)

#### C. PC10-02ZTA, Text Amendment, Flexible Zoning Techniques

#### INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mrs. Dunn entered the entire staff report into the record. She stated that the Planning Division is proposing amendments to the following sections of the Land Management Code (LMC): §410, "Planned Neighborhood Development," §411, "Traditional Neighborhood Development," §417, "Mixed Use Districts" and §803, "Accessory Uses and Structures." The primary purpose is to address the bulk and dimensional regulations for principal and accessory structures in communities developed through the above noted flexible zoning techniques.

#### INITIAL PLANNING STAFF RECOMMENDATION:

Staff supports a positive recommendation to the Mayor and Board of Aldermen for the proposed amendments.

#### PLANNING COMMISSION QUESTIONING OF STAFF:

There was no questioning of staff from the Planning Commission.

#### PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

The City was applicant, so no presentation was given.

#### PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

There was no questioning of petitioner/applicant from the Planning Commission.

#### PUBLIC COMMENT:

There was no public comment.

**PETITIONER REBUTTAL:**

There was no petitioner rebuttal.

**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

There was no discussion or questions for staff from the Planning Commission.

**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

There were no restatements/revisions to the recommendation from planning staff.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Bokee moved to support a positive recommendation to the Mayor & Board of Aldermen on the proposed amendments for Flexible Zoning Techniques as read into the record and as part of the packet this evening.

**SECOND:** Commissioner Brooks.

**VOTE:** 5-0.

**VII. NEW BUSINESS:**

**D. PC09-472FSCB, Combined Forest Stand Delineation and Preliminary/Final Forest Conservation Plan, Heather Ridge School Offsite Afforestation**

**INTRODUCTION OF CASE BY THE PLANNING STAFF:**

Mr. Barney entered the entire staff report into the record. He stated that the Applicant is requesting approval to plant a 1.5 acre afforestation area at the Monocacy Middle School, in order to satisfy the requirements of the Heather Ridge School Forest Conservation Plan.

**INITIAL PLANNING STAFF RECOMMENDATION:**

Staff recommends approval of Combined Forest Stand Delineation / Preliminary Forest Conservation Plan / Final Forest Conservation Plan PC09-472FSCB, with the following conditions to be met in greater than 60 days and within one year:

1. The tree protection fence detail on Sheet 2 of 2 must be changed to show a wire mesh fence.

**PLANNING COMMISSION QUESTIONING OF STAFF:**

There was no questioning of staff from the Planning Commission.

**PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:**

Mr. Lee Miller, Daft, McCune & Walker concurred with the staff report.

**PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:**

There was no questioning of petitioner/applicant from the Planning Commission.

**PUBLIC COMMENT:**

There was no public comment.

**PETITIONER REBUTTAL:**

There was no petitioner rebuttal.

**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

There was no discussion or questions for staff from the Planning Commission.

**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

There were no restatements/revision recommendations from planning staff.

**PLANNING COMMISSION ACTION:**

**MOTION:** Commissioner Bokee motioned to recommend approval of Combined Forest Stand Delineation and Preliminary Forest Conservation Plan PC09-472FSCB with the 1 condition in greater than 60 days and less than 1 year as read into the record by staff.

**SECOND:** Commissioner Brooks.

**VOTE:** 5-0.

E. PC09-475FSI, Final Site Plan, Morningstar Foods, Inc.

**INTRODUCTION OF CASE BY THE PLANNING STAFF:**

Ms. Reppert entered the entire staff report into the record. She stated that the Applicant is requesting final site plan approval for the demolition of 20,552 s.f. of



existing building and the construction of 18,978 s.f. of new building in its place. The project is proposed to be completed in two phases.

The Applicant is also requesting approval of modifications to the following sections of the Land Management Code (LMC) which apply to final site plans in accordance with Section 309(h):

1. Section 605(e), Table 605-3 for Lot Line landscaping between M1 and DR requires Level III or IV buffer;
2. Section 605(e), Table 605-3 for Lot Line landscaping between M1 and PRK requires Level III or IV buffer;
3. Section 605(f) for Street Trees along East Patrick Street;
4. Section 605(g) for Parking Lot Interior Landscaping requiring 10% of total paved area; and
5. Section 601(b) for Turn Around Required so that traffic entering or leaving a property at a public way is traveling in a forward motion.

The Applicant is also requesting approval of a Certificate of Urban Design Compliance as well as the following related modifications:

- 1) A modification to Section 420(f)(1)(F), Table 420-1 for the maximum front wall height permitted; and
- 2) A modification to Section 420(f)(3)(A) for the maximum permitted front yard setback; and
- 3) A modification to Section 420(f)(4)(E) to the requirement that buildings have dominant elevations facing both the Carroll Creek Linear Park and the widest right of way upon which the building fronts; and
- 4) A modification to Section 420(f)(5)(A)(2) for the maximum length of consecutive bays in excess of 60'; and
- 5) A modification to Section 420(f)(5)(A)(3) for the maximum length of a singular building facade which exceeds 120'; and
- 6) A modification to Section 420(f)(5)(A)(4) for a contiguous structure greater than 180' in length along a right of way; and
- 7) A modification to Section 420(f)(5)(A)(5) for the horizontal offset of the required vertical transition between consecutive bays; and
- 8) A modification to Section 420(f)(5)(D) for the required architectural design elements on a corner building; and
- 9) A modification to Section 420(h)(5), which prohibits supply or exhaust vents elevations facing the Carroll Creek, a dominant elevation, or within twenty (20) feet of any pedestrian entrance; and
- 10) A modification to 420(i), Table 420-4 for the required sidewalks along Sagner Avenue; and
- 11) A modification to Section 420(i), Table 420-4 for the required street trees; and

12) A modification to Section 420(i), Table 420-4 for the required lighting fixture type.

The Applicant is also requesting approval of a Certificate of Architectural Compliance as well as the following related modifications:

- 1) A modification to Section 420(j)(1)(C) requiring that elevations facing the public right-of-way contain commercial and/or residential use.
- 2) A modification to Section 420(j) Table 420-5 for wall materials and design of the roof, middle, and base level.
- 3) A modification to Section 420(j) Table 420-5 for windows and glazing to be eliminated.
- 4) A modification to Section 420(j) Table 420-5 for a required entrance facing the Linear Park and all building to have a secondary entrance at 60 feet intervals.
- 5) A modification to Section 420(j) Table 420-5 for the provision horizontal expression lines between the levels of the building; and
- 6) A modification to Section 420(j) Table 420-5 for lighting required as "acorn" type lights on 12-14 foot poles.

#### INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of the two required public hearings, so no formal action was taken; however, staff noted support for the requested modifications and requested comments from the Planning Commission on the requested modifications and overall site plan design.

In addition, Staff noted several technical comments that should be addressed with the resubmittal of the plans for the April hearing.

#### PLANNING COMMISSION QUESTIONING OF STAFF:

Alderman Russell asked if the required screening trees which the applicant was requesting a modification for were going to be moved offsite.

Mrs. Dunn stated that after consulting with the legal department, they have concluded that the Commission can request the offsite plantings if the Commission finds that offsite plantings compensate for the request and contribute to the intent of why those trees were required and that there has to be a connection made between the modification they're asking for and how it is a compensating element for that.

Ms. Reppert clarified that the requirement of street trees on Sagner Avenue has been met by the Applicant with existing or proposed trees; it was the request for screening

that was being modified and that the offsite plantings proposed may serve as compensating feature for possible lot line screening.

#### PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

Mr. Michael Proffitt, Proffitt & Associates, introduced the team members present and asked if the Planning Commission had any questions regarding landscaping and site designs.

Commissioner Nash stated that she would like to follow up with Alderman Russell's question.

Mr. Proffitt stated that if the Commission concludes that there is a rational nexus between the offsite plantings and the modification, we could locate those across the street from the Sagner entrance.

Mr. Jon Azinger, Proffitt & Associated stated that they have a massing model to try to give a feel for the complexity of the site but also what they are trying to accomplish along the Creek with the attempt of trying to provide a continuous aesthetic to the facility as well as addressing the view from the Creek. In the presentation he briefed the Commission on the architectural materials and the design of the building after construction and beginning on Phase 1 and then with the infill of Phase 2 with matching materials, massing to match existing buildings.

#### PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

Commissioner Nash asked if the applicant had the ingress and egress for trucks to enter off Sagner as part of the presentation.

Mr. Anzinger replied no.

Commissioner Nash questioned on the wide road opening on Sagner if the island would still be retained?

Mr. Proffitt stated that both ends are going to be brought in as far as it can and that a 12" concrete gutter will be installed to delineate the property line and ROW. He added that they have worked on that with staff .

#### PUBLIC COMMENT:

There was no public comment.

#### PETITIONER REBUTTAL:

There was no petitioner rebuttal.

#### PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

Commissioner Bokee asked if there was any resident comments regarding this project?

Ms. Reppert stated she had not received any comments from the residents as result of mailing or posting of the property.

#### RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatements/revision recommendations from the planning staff.

#### PLANNING COMMISSION ACTION:

This is the first of two hearings, so no vote was taken.

F. PC10-59FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, Morningstar

#### INTRODUCTION OF CASE BY THE PLANNING STAFF:

Ms. Reppert entered the entire staff report into the record. She stated that the Applicant is requesting approval of a combined forest stand delineation and preliminary forest conservation plan for Morningstar Foods as proposed for paying fee-in-lieu of the .95-acre forest requirement in the amount of \$12,414.60.

#### INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommends conditional approval of the combined forest stand delineation and preliminary forest conservation plan PC10-59FSCB, with the following conditions to be met:

In less than 60 days:

1. Add Case Number PC10-59FSCB to the title block.
2. Correct Worksheet Land Use Categories to High Density or Industrial, where

applicable.

3. Correct High Density Worksheet Total Afforestation Required to .21 acres.
4. Correct total amount of acres to .95 acres in the fee-in-lieu note.
5. Provide the fee-in-lieu of calculation.

#### PLANNING COMMISSION QUESTIONING OF STAFF:

There was no question of staff from the Planning Commission.

#### PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

There was no presentation given by the petitioner/applicant or his agent or attorney.

#### PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

There was no questioning of the petitioner/applicant from the Planning Commission.

#### PUBLIC COMMENT:

There was no public comment.

#### PETITIONER REBUTTAL:

There was no petitioner rebuttal.

#### PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

There was no discussion or questions for staff from the Planning Commission.

#### RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revision recommendations from planning staff.

#### PLANNING COMMISSION ACTION:

**MOTION:** Commission Brooks motioned for a positive recommendation for the approval of the Combined Forest Stand Delineation and Preliminary Forest Conservation Plan PC10-59FSCB with the following conditions to be met in less than 60 days as read into the record.

**SECOND:** Commissioner Shreve.

**VOTE:** 5-0. (Commissioner Bokee abstained)

## G. PC09-399FSI, Final Site Plan, Market Square at Frederick Retail and Commercial

### INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Love entered the entire staff report into the record. He stated that the Applicant is requesting final site plan approval for the construction of a 158,576 s.f. shopping center and six live/work units.

Additionally, the Applicant is requesting the following modifications:

1. A modification to the one (1) large loading space requirement under §607(g), Table 607-5 for Lot R-3 to allow one (1) small loading space;
2. A modification to the parking requirements under §607(c)(5) to allow for off-site parking spaces to meet the minimum parking requirements for the 6 Live-Work units;
3. A modification of the Level II screening requirement between a parking lot and adjacent uses to Level I screening under §605(e), Table 605-3;
4. A modification to the maximum front setback of 35' for Pad #1, #2, & #3 under §417(c)(1), Table 417-2;
5. A modification to the maximum side setback of 25' under §417(c)(1), Table 417-2 for Lot R-1 for Retail A - F and BLDG C;
6. A modification the maximum side setback of 25' under §417(c)(1), Table 417-2 for Lot R-3 for BLDG F.

The Applicant is also requesting approval of the architectural elevations for compliance with the Class A building and urban design standards established in §604 and the shopping center design standards established in §863.

### INITIAL PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the following modifications:

1. A modification to §607(g), Table 607-5 for Lot R-3 in order to reduce the size of the required loading space from a large space (12 x 50) to a small loading space (12 x 20) based on the unique loading requirements associated with "Main Street" shops and banks.
2. A modification to the parking requirements under §607(c)(5) to allow for off-site parking to meet the minimum required parking for the 6 live/work units based on 1) the distance between the off-site parking and the subject use not exceeding 1,320 feet, 2) the similarities in design patterns of the MU-1 district and the traditional development patterns of the DR, DB, and DBO districts in regards to the location of

parking, 3) the provision of adequate parking for both the onsite uses and the Live-Work units within the lot, and 4) the provision of common access easements to assure availability of parking for the Live-Work Units.

3. A modification to §605(e), Table 605-3; of the Level II screening requirement between a parking lot and adjacent uses to provide Level I screening based on the distance of the parking areas from the property line, the similar zoning of the adjoining property, and vehicle access link provided.

4. A modification to §417(c)(1), Table 417-2, for the maximum front setback of 35' for Pad #1, #2, & #3 located on Lot R-1 based on the creation of a pedestrian scaled street wall along the frontage of Lot R-1 on Starling Street created by BLDG A, B, C and Retail "A" and the pedestrian plazas and amenities linking the three pad sites to the main retail component as a compensating feature.

5. A modification to §417(c)(1), Table 417-2 for the maximum side setback of 25' for Lot R-1 for Retail A - F and BLDG C based on the provision of the outdoor seating area adjacent to BLDG C as a compensating feature which will contribute to the overall pedestrian experience and location of these buildings at the periphery of the site.

6. A modification to §417(c)(1), Table 417-2 the maximum side setback of 25' for Lot R-3 adjacent to BLDG F based on the provision of the outdoor seating area adjacent to BLDG F as a compensating feature which will contribute to the overall pedestrian experience.

Staff recommends approval of the architectural elevations based on compliance with the Class A building and urban design standards established in §604 and the shopping center design standards established in §863 as verified through the narrative and architectural elevations provided.

Staff recommends approval of final site plan PC09-399FSI with the following conditions:

To be Met in Less than 60 Days:

1. Provide a note listing the modification requests and approval date;
2. Revise the architectural elevation sheets and narratives to match the Building names on the civil drawing sheets.
3. Provide landscaping on the rear side of the dumpster enclosure closest to MD 26.
4. Provide crosswalk connections between the pad sites.
5. Provide low level planting between the parking lot and the pedestrian path behind the Retail A-F building.

To be Met in Greater than 60 Days and within One Year:

1. Obtain unconditional approval of the preliminary subdivision plat and update note #1 with the approval date.
2. Update note #17 with the unconditional approval date for the preliminary forest plan.

#### PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Nash asked if any of the buildings are more than 10,000 square feet and how the requirement for two story buildings when greater than 10,000 square feet was met. She questioned if the requirement is aimed at achieving an architectural perception of two stories or if it is intended to require denser, compact development when large buildings are proposed.

Mr. Love stated that the only 2 buildings that they took under consideration were the 2 anchors, Retail A and Retail B. He added that staff saw that as an architectural requirement rather than an interior requirement to have that massing broke up between 2 levels instead of forcing the applicant to have 2 floors.

#### PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

Mr. Dave Lingg, Lingg Property Consulting, stated that he feels that they have worked well with staff and in regards to the conditions, the applicant has no issues and would request the Planning Commission's approval.

Mr. Lingg stated in regards to Commissioner Nash's question pertaining to the 2 story. He said that it was discussed at great lengths during the master plan stage and then they had more buildings that were 10,000 square feet at that time but since then revisions have been made and only the 2 anchors, Retail A and B are more than 10,000 square feet and have the 2 story appearance from the street.

Mr. Frank Watkins stated that what they tried to do is to reinforce the pedestrian connection from the cluster of buildings and connect it up to the sidewalk in front of the strip of buildings. He added the important things to do when dealing with pedestrian features is send a message that it is a pedestrian oriented site.

#### PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

Commissioner Bokee questions the color pallet of the bank building "O".



Mr. Lingg stated it was just a printer issue but the color pallet of the bank will match all buildings.

**PUBLIC COMMENT:**

There was no public comment.

**PETITIONER REBUTTAL:**

There was no petitioner rebuttal.

**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

There was no discussion or questions for staff from the Planning Commission.

**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

There were restatements/revisions to the recommendations from Planning Staff.

**PLANNING COMMISSION ACTION MODIFICATIONS:**

**MOTION:** Commissioner Bokee motioned to approve the 6 modifications for PC09-399FSI as read into the record by staff and as in the staff report which includes compensating feature that was discussed.

**SECOND:** Commissioner Brooks.

**VOTE:** 5-0.

**PLANNING COMMISSION ACTION ARCHITECTURAL ELEVATIONS & DESIGN STANDARDS:**

**MOTION:** Commissioner Bokee recommended approval for architectural elevations based on compliance with class A building and urban design standards in Section 604 and shopping center design standards established in Section 863 as verified through the narrative of architectural elevations provided.

**SECOND:** Commissioner Brooks.

**VOTE:** 5-0.

**PLANNING COMMISSION ACTION FINAL SITE PLAN PC09-399FSI:**

**MOTION:** Commissioner Bokee recommended approval of final site plan PC09-399FSI with the 5 conditions to be met in less than 60 days and the 2 to be met in

greater than 60 days and less than 1 year as read into the record by staff.

SECOND: Alderman Russell.

VOTE: 5-0.

#### H. PC10-45FSI, Final Site Plan, City Parking Lot (Deck 6)

#### INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mr. Love entered the entire staff report into the record. He stated that the Applicant is requesting final site plan approval to construct an 85 spaces, surface parking lot located interior to the block bordered by Commerce Street, S Carroll Street, S East Street, and E South Street.

As part of the site plan approval, the Applicant is requesting the following modifications which pertain to the to the final site plan standards:

1. A modification to §601(f)(2) minimum access drive separation distance.

The Applicant is also requesting approval of a Certificate of Urban Design Compliance as well as the following related modifications:

1. A modification to §420(g)(4)(C), which prohibits surface parking from abutting the boundary of a street right of way or the Linear Park; and
2. A modification to §420(g)(4)(C)(2), which requires that surface parking areas be screened with a brick or stone wall; and
3. A modification to §420(g)(4)(D), which requires that parking lot planting beds be separated from parking spaces and access aisles by concrete or masonry barrier curbing; and
4. A modification to §420(g)(4)(F)(2), which requires that parking lot planting islands shall have minimum dimensions of 9'x18'; and
5. A modification to §420(g)(4)(F)(3), which requires that parking lot planting islands be spaced at 90' intervals; and
6. A modification to §420(i) Table 420-4 to permit asphalt sidewalks; and
7. A modification to §420(i) Table 420-4, which requires street trees to planted every 40' along a right-of-way; and
8. A modification to §420(i) Table 420-4, which requires street lights to be placed at 70' to 100' intervals along a right-of-way.

The Applicant is also requesting approval of a Certificate of Architectural Compliance as well as the following related modifications:

A modification to §420(j) Table 420-5, which requires freestanding lights to be fabricated of metal and glass and prohibits the use of high pressure sodium luminaries

## INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of the two required public hearings and no formal action was taken. Staff noted support for the requested modifications and requested inputs from Planning Commission on the requested modifications and overall site plan design.

In addition, Staff noted several technical items that should be revised with the resubmittal for the April hearing.

## PLANNING COMMISSION QUESTIONING OF STAFF:

There was no questioning of staff from the Planning Commission.

## PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

Mr. Zack Kershner, Deputy Director for Engineering stated he is representing the City of Frederick and would answer any questions the Planning Commission may have.

## PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

Commissioner Nash asked if the temporary parking lot will have an expiration date.

Mrs. Dunn stated they did discuss that consideration with Mr. Weldon and that he was comfortable with that his recommendation but thought 3-4 years would most likely be a realistic timeframe.

Commissioner Bokee stated that he has the same concern as Commissioner Nash. He questioned if they would reapprove the entire site plan or just the modifications.

Mrs. Dunn concurred that she thinks it will be more of the issue where you granted the modifications otherwise, if it is compliant with everything as a permitted use, then it gets back to the issue in terms of programming of the city and parking needs that does start to extend beyond the Planning Commissions purview.

## PUBLIC COMMENT:

Mr. Rocky MacIntosh, MacRo Reality, and owner of Carroll Creek Site F, stated that he needs about 280 parking spaces and can't do a thing unless this property turns into a parking garage. He is opposed to the temporary parking lot and requests the City reconsider the parking deck. However, if a temporary lot is to be considered it would be preferable for it to be built as cheaply as possible and use gravel instead of full paving.

Commissioner Nash asked Mr. MacIntosh if there are enough spaces in Deck 5 to support the amount of spaces needed.

Mr. MacIntosh replied no.

Mrs. Dunn stated the decision to bring this forward as a site plan verses just putting down gravel is that it's not permitted, the parking lot has to be improved. The City did not want to go the route of creating something that temporary, in addition there is a provision in the Carroll Creek Overlay that allows for a temporary parking lot on vacant lots or associated with construction activity for a period of no more than one year. She added that the City felt that the one year would not be adequate.

Commissioner Brooks asked why the next lot over still utilizes gravel.

Mrs. Joan Jenkins stated that if there could be public parking in that area from 4 pm until 6:30 am it would help a lot. She suggested using non attended meter boxes and when proposing the parking deck there was no setback and suggested a setback of 3 feet between the ramp behind the preservation building.

Mrs. Dunn responded to Mr. Brooks question in regards to the gravel lot. She said that she does not know of a site plan application or how long it has been there but can check to get an idea of how long it has been there and being used. Mrs. Dunn said that she assumes it would be a situation of a nonconforming use.

#### PETITIONER REBUTTAL:

There was no petitioner rebuttal.

#### PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:

Mr. Brooks asked if this was lot was ever proposed as a gravel lot?

Mr. Kershner replied that when the Engineering Department was asked to come forward with a design to have it function as a temporary lot they worked with planning to identify what modifications would be necessary to meet the Carroll Creek Overlay requirements along with other portions of the LMC and what has been presented are modifications that may be acceptable by the Commission and minimally expensive verses constructing a lot to meet all the requirements. He added that staff would be interested in any suggestions the Planning Commission has.

Commissioner Bokee stated that it does make sense to grant the modifications instead of being put forward but his concern is that a decision deck verses a parking lot is made at the Mayor & Board of Aldermen level and not at the Planning Commission

and all the financial ramifications are made and that is a decision the Commission doesn't have purview over. He also commented that he feels there should be a time frame on the modifications.

#### RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:

There were no restatement/revision recommendations from planning staff.

#### PLANNING COMMISSION ACTION:

This was the first of two hearings, so no vote was taken.

#### I. PC10-42ZTA, Text Amendment, Residential Driveway and Parking Areas

#### INTRODUCTION OF CASE BY THE PLANNING STAFF:

Mrs. Dunn entered the entire staff report into the record. She stated that the City of Frederick is requesting approval for amendments to Section 309, "Site Plan Review," Section 510, "Modifications," and Section 803, "Accessory Uses and Structures" for the purposes of establishing lot coverage and setback requirements for driveways and paved parking areas in residential districts.

This is the first of two required public hearings and as such, no recommendation is required at this time.

#### INITIAL PLANNING STAFF RECOMMENDATION:

This is the first of two required public hearings and as such a recommendation to the Mayor and Board of Aldermen is not required at this time.

#### PLANNING COMMISSION QUESTIONING OF STAFF:

Commissioner Bokee asked for the next hearing if there could be a diagram presented with packet.

#### PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY:

City was the applicant so no presentation was given.

#### PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT:

The was no questioning of the petitioner/applicant from the Planning Commission.

**PUBLIC COMMENT:**

There was no public comment.

**PETITIONER REBUTTAL:**

There was no petitioner rebuttal.

**PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF:**

There was no discussion or questions for staff from the Planning Commission.

**RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION:**

There were no restatement/revision recommendations from the planning staff.

**PLANNING COMMISSION ACTION:**

This was the first of two hearings so no vote was taken.

Meeting adjourned at 8:05 P.M.

Respectfully Submitted,

Carreanne Eyler  
Administrative Assistant